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13 EBISLOGIC, INC., ASTERIX CONSULTING, INC.,
14 AND ELITE TECHNOLOGY PARTNERS, LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

13 SRICOM, INC.,

14 Plaintiff,

15 v.

16 EBISLOGIC, INC., ASTERIX CONSULTING, INC., ELITE TECHNOLOGY
17 PARTNERS, LLC, VMWARE, INC. and
18 DOES 1 through 20 inclusive,

19 Defendants.

20 Case No. CV12-00904 LHK

**NOTICE OF MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM UNDER
FEDERAL RULE OF CIVIL PROCEDURE
12(b)(6); MOTION FOR A MORE DEFINITE
STATEMENT UNDER RULE 12(e); AND
MOTION TO STRIKE IMPROPER MATTER
UNDER RULE 12(f)**

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Date: June 28, 2012
Time: 1:30 p.m.
Dept.: Crtroom 8, 4th Floor
Judge: Hon. Lucy H. Koh

MBV LAW LLP
855 FRONT STREET
SAN FRANCISCO CA 94111

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on June 28, 2012 at 1:30 p.m., in Courtroom 8, 4th
3 Floor of the above-entitled Court, Defendants Asterix Consulting, Inc., eBisLogic, Inc., and Elite
4 Technology Partners, LLC (collectively, "Defendants") will, and hereby do, move the Court for
5 an order abating the proceeding in light of plaintiff's failure to qualify to do business in California
6 as required by law or, alternatively, for an order dismissing the First, Second, Third, Fourth, and
7 Fifth Claims asserted in Sricom, Inc.'s ("Sricom") Complaint pursuant to Federal Rule of Civil
8 Procedure 12(b)(6), for an order compelling a more definite statement under Rule 12(e), and for
9 an order striking certain immaterial or impertinent matter from the Complaint pursuant to Rule
10 12(f). This motion was previously noticed for April 10, 2012 and papers in support thereof were
11 filed per Docket Number 6, but the hearing date, time, and place have been rescheduled as noted
12 above.

13 DATED: March 7, 2012

14 **MBV LAW LLP**

15 By: /s/ Dwight C. Donovan
16 DWIGHT C. DONOVAN
17 Attorneys For Defendants
18 EBISLOGIC, INC., ASTERIX
19 CONSULTING, INC., AND ELITE
20 TECHNOLOGY PARTNERS, LLC
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